

**At a Regular Meeting of the Town Council of the Town of Middletown,
RI held at the Middletown Town Hall on Monday, September 16, 2013
at 6:00 P.M.**

Council President Christopher T. Semonelli, Presiding

Vice President Robert J. Sylvia

Councillor Richard P. Adams

Councillor Bruce J. Long

Councillor Paul M. Rodrigues

Councillor M. Theresa Santos

Councillor Barbara A. VonVillas, Members Present

PLEDGE OF ALLEGIANCE TO THE FLAG

RECONSIDERATION

The Middletown Town Council follows the codification of present-day general parliamentary law as articulated in Robert's Rules of Order Newly Revised 10th edition (2000), together with whatever rules of order the Council has adopted for its own governance. The motion to reconsider is one of the motions that can bring a question again before an assembly, and is designed to bring back for further consideration a motion which has already been voted on:

If, in the same session that a motion has been voted on, but no later than the same day or the next day on which a business meeting is held, new information or a changed situation makes it appear that a different result might reflect the true will of the assembly, a member who voted with the prevailing side can, by moving to Reconsider [RONR (10th ed.), p. 304-321] the vote, propose that the question shall come before the assembly again as if it had not previously been considered. (From Robert's Rules of Order Newly Revised In Brief, Robert, Evans et al., De Capo Press, 2004)

There were no reconsiderations.

Council President Semonelli requested a moment of silence for the tragedy at the Naval Yard in Washington, DC.

6:00 PM - EXECUTIVE SESSION

- 1. Pursuant to provisions of RIGL, Sections 42-46-2, 42-46-4 and 42-46-5 (a), (1) personnel (Town Administrator) (a) (5) land acquisition (Coddington Highway, West Main Road)**

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 6:03 pm.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess executive session and reconvene in open session at 7:00 pm.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to seal the executive session minutes pursuant to Section 42-46-7. RIGL.

PUBLIC FORUM SESSION

2. Pursuant to Rule 23 of the Rules of the Council, Citizens may address the town on one (1) subject only, said subject of substantive Town business, neither discussed during the regular meeting nor related to personnel or job performance. Citizens may speak for no longer than five (5) minutes and must submit a public participation form to the Council Clerk prior to the start of the meeting. All items discussed during this session will not be voted upon.

No one spoke.

PRESENTATIONS

3. Senator Louis P. DiPalma and Representative Deborah Ruggiero, re: Senate and House Citations to the Middletown Town Council in recognition of Middletown receiving the Google eCity Award for RI in 2013.

Representative Deborah Ruggiero was in attendance to present the citation in recognition of receiving the Google eCity Award in Rhode Island to the Middletown Town Council, Town Administrator Shawn Brown and Information Technology Director Matthew Wainwright.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to begin said presentation.

Council President Semonelli thanked Representative Deborah Ruggiero for the citations, noting the internet plays a critical role in the development of local businesses.

Town Administrator Shawn Brown introduced IT Director Matthew

Wainwright and Ronald Corriveau the Head of Business Development for COS Systems AB.

Information Technology Director Matthew Wainwright addressed the Council noting that technology touches everyone. Mr. Wainwright explained that Middletown has been working collectively with Newport and Portsmouth on the Aquidneck Island Broadband project, which will assist with further Economic Development.

4. Senator Louis P. DiPalma and Representative Deborah Ruggiero, re: Senate and House Citations to Town Administrator Shawn Brown in recognition of Middletown receiving the Google eCity Award for RI in 2013.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to begin said presentation.

5. Senator Louis P. DiPalma and Representative Deborah Ruggiero, re: Senate and House Citations to Information Technology Director Matthew Wainwright in recognition of Middletown receiving the

Google eCity Award for RI in 2013.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to begin said presentation.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to act as a Board of License Commission.

ACTING AS A BOARD OF LICENSE COMMISSION

**6. Applications received from the following named persons, firms or corporations for RENEWAL of Alcoholic Beverage Licenses for the 2013-2014 licensing year. (Requires Advertising for Public Hearing)
(See attached list)**

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said applications and advertise for public

hearing for October 7, 2013, regular meeting of the board.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to reconvene as a Town Council.

Councillor Santos requested that items #11 and #13 be heard under the regular portion of the docket.

CONSENT

7. Approval of Minutes, re: Regular Meeting, September 3, 2013.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to approve said minutes.

8. Communication of Mary Moniz, Chairman of the Board and Tina Dolen Executive Director of the Aquidneck Island Planning Commission, re: Appreciation for support of the Annual Funding for FY 2014.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said communication.

9. Communication of Luis Rodriguez, P.E., Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, re: Case Number: 10-01-0658V – National Flood Insurance Program maps.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said communication.

10. Notice of Public Hearing from the Middletown Zoning Board of Review, re: Petition of Daniel G. Kamin BJ's of Middletown, LLC

(owner), BJ's Wholesale Club, Inc. (applicant) for a Variance from Section 1304 – Amendment to original Variance petition to allow 345 off –street parking spaces where 355 parking spaces are required. The area will be used to site a propane dispensing facility on real estate located at 173 East Main Road, TAP 107SE, Lot 107.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said notice of public hearing.

Manuel Mello, Beacon Terrace North, addressed the Council noting concern that a propane dispensing facility will be installed at BJ's Wholesale Club.

Town Solicitor Michael W. Miller explained that this consent item is only to inform the Council that there will be a public hearing on the matter.

11. Communication of Tax Assessor, thru Town Administrator, with

enclosure, re: Tax Exempt Motor Vehicles - Cancellation of taxes for certain Middletown taxpayers.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said communication.

Councillor Santos inquired about code #67 and the tax abatement totals.

Town Administrator Shawn Brown, responding to Councillor Santos, explained that code #67 refers to the code that is given to tax exempt motor vehicles and that the offset to the abatement totals are due to units within Bay Ridge being completed.

On motion of Councillor Long, duly seconded, it was voted unanimously to reconsider, item #10.

Item #10 was heard at this time.

12. Resolution of the Council, re: Cancellation of taxes for certain Middletown taxpayers.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to pass said resolution.

13. Communication of Tax Assessor, thru Town Administrator, with enclosure, re: Second Abatement List - Cancellation of taxes for certain Middletown taxpayers.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said communication.

Councillor Santos inquired why the exemptions were omitted from the prior abatement list.

Town Administrator Shawn Brown, responding to Councillor Santos, explained that there is a software program issue, which the Tax Assessor is investigating.

14. Resolution of the Council, re: Cancellation of taxes for certain Middletown taxpayers.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to pass said resolution.

15. Petitions received from the following named persons for perpetual care of burial lots in the Middletown cemetery:

a. James Borodemos – Section 53, Lot 26

b. Ralph Flint – Section 49, Lots 55 & 56

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive and approve said petitions.

16. Applications received from the following named persons, firms or corporations for RENEWAL of Victualling House Licenses, Additional Hours of Operation, for the 2013-2014 licensing year. (Requires Advertising for Public Hearing) (See attached list)

On motion of Vice President Long, duly seconded, it was voted unanimously to receive said applications and advertise for October 7, 2013.

17. Application of Laurin Enterprises dba Gold's Auto Wrecking Company, 113 Fenner Avenue, for RENEWAL of a Junk Dealer's

License for the 2013-2014 licensing year.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to grant said license renewal.

18. Application of Middletown Columbus Club, Inc., 7 Valley Road, for RENEWAL of a Bingo License for the 2013-2014 licensing year.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to grant said license renewal.

19. Application of Paul C. Graf, Middletown, for RENEWAL of a Private Detective License for the 2013-2014 licensing year.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to grant said license renewal.

20. Applications received from the following named persons, firms and corporations for Special Event Permits. (See Attached List)

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to grant said special event permits.

LICENSES & PERMITS

21. Application for Special Event Permit from The Middletown Prevention Coalition for Family Day to be held on September 29, 2013 from 1:00 pm to 5:00 pm at Linden Park.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to grant said Special Event Permit and waive said fee.

Application for Special Event Permit from The Middletown Prevention Coalition for Pre-Thanksgiving Bonfire at Third Beach on November 27, 2013 from 4:00 pm to 8:30 pm.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to grant said Special Event Permit and waive said fee.

22. Application of T. Miozzi, Inc., Coventry, for a Drain Layer's License for the 2013-2014 licensing year. (NEW)

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to grant said license.

OTHER COMMUNICATIONS

23. Communication of Clara Maurer, Middletown, re: Request for

support for participation at the National Association for Music Education (NAfME) Conference at Opryland in Nashville.

Council President Semonelli reviewed the communication, entered here:

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said communication and authorize \$100.00 from the Council President's Discretionary Fund.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to continue items #25 and #26 to the next regular meeting of the Council October 7, 2013.

24. Memorandum of Superintendent, with enclosures, re: FY2014 Budget Amendments.

25. Resolution of the Council, re: Approval of FY2014 Budget Amendments.

TOWN ADMINISTRATOR COMMUNICATIONS

26. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Contract Award: MIDD-014-002 Easton's Pt. Cured in Place Pipe (CIPP).

Town Administrator Shawn Brown reviewed the memorandum entered here:

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum.

Discussion centered around the balance of the Sewer Fund account, I

& I charges, the project repairs town sewer laterals, rain increases the I & I charges, currently in the process or rewriting the sewer ordinance, slip lining process, private sewer lines, within the project there is a total of 16,700 linear feet of 10" pipe and 3,200 linear feet of 8" pipe being slip lined and that slip lining is manhole to manhole there is no digging involved.

Councillor Rodrigues noted that the sewer projects are financed by the established Sewer Fund eliminating the need to go out for bond.

27. Resolution of the Council, re: Award of Contract - MIDD-014-002 Easton's Pt. Cured in Place Pipe (CIPP).

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to pass said resolution.

28. Memorandum of Finance Director, thru Town Administrator, with enclosures, re: Trust Employee Benefits Pool Membership

Participation Agreement (MPA) – 7/1/2013.

Town Administrator Shawn Brown reviewed the memorandum, entered here:

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum.

29. Resolution of the Council, re: Approval of the Employee Benefits Membership Participation Agreement for the Trust Health Pool and/or the Trust Dental Pool for the Town of Middletown as of July 1, 2013.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to pass said resolution.

30. Memorandum of Town Administrator, re: RIDOT response.

(Documentation to follow)

Town Administrator Shawn Brown reviewed the memorandum, entered here:

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum.

Town Administrator Shawn Brown requests the Town Council to approve the memorandum and authorize the Council President to sign on behalf of the Town.

Austin Prendergast, 1 Paul Avenue, withdrew his comments regarding Kempenaar Valley until the Town has the meeting with RIDOT.

Manuel Mello, 3 Beacon Terrace North, addressed the Council requesting clarification of where the water will flow from to the gravel wetland.

Town Engineer Warren Hall, responding to Mr. Mello, explained that the gravel wetland will treat the Evergreen Park area; the drainage system will be re-piped from West Main Road and East Main Road, the water will be treated prior to entering Bailey Brook.

Discussion centered around RIDOT installing oversized catch basins prior to entering the gravel wetlands, the ponds deal with phosphorus, the design of the gravel wetland models in other states and which is proven to be effective, and RIDOT, CRMC, RIDEM have all endorsed the system.

Public Works Director Tom O'Loughlin noted that Massachusetts has used gravel wetland systems for years.

Manuel Mello, 3 Beacon Terrace North, questioned funding for the project.

Town Administrator Shawn Brown, responding to Mr. Mello, explained that the State is funding the entire project.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to authorize the Council President to execute said communication.

APPOINTMENTS TO BOARDS & COMMITTEES

31. Communication of Carmela A. Geer, re: Resignation from the Middletown Committee For The Arts.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said communication and accept resignation

with regret.

32. Memorandum of Town Administrator, with enclosure, re: Recreation Facilities Master Plan Advisory Group.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to receive said memorandum, create a Recreation Facilities Master Plan Advisory Group, membership as outlined in the memorandum above and direct the Town Clerk to contact each board/organization and department for representation on the committee.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess open session and reconvene in executive session at 8:00 pm.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to recess executive session and reconvene in open

session at 8:40 pm.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to seal the executive session minutes pursuant to Section 42-46-7. RIGL.

On motion of Vice President Sylvia, duly seconded, it was voted unanimously to adjourn said meeting at 8:41 pm.

Wendy J.W. Marshall, CMC

Council Clerk

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